



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Exhibit E

Telephone: (202) 514-3642

Patrick Eddington
Cato Institute
1000 Massachusetts Avenue NW
Washington, DC 20001
peddington@cato.org

Re: Appeal Nos. DOJ-AP-2019-005224¹
Request Nos. 1438217²
MWH:RNB

VIA: Email

Dear Patrick Eddington:

You appealed from the actions of the Federal Bureau of Investigation on your Freedom of Information Act requests for access to records concerning Freedom of the Press Foundation, Kolab Now, and Lavabit. I note that your appeals concern the adequacy of the FBI's searches for records responsive to your request. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeals.

After carefully considering your appeals, I am affirming the FBI's actions on your requests. The FBI informed you that it could locate no responsive main file records subject to the FOIA in its files.³ The FBI searched its automated indices for the subjects of your requests. I have determined that the FBI's action was correct and that it conducted an adequate, reasonable search for such records.

Concerning your request for cross-reference files made for the first time on appeal, please be advised that you need to provide information sufficient to enable the FBI to determine with certainty that any cross-references it locates are identifiable to the subject of your request. This information may include the following:

- 1) the specific circumstances in which the subject of your request had contact with the FBI;
- 2) the date(s) of such contact;
- 3) the location(s) of such contact;
- 4) names of associates of the subject of your request the mention of whom might aid in the identification of responsive records; and
- 5) other references to the subject of your request in media, such as books, articles, websites, etc.

¹ Please be advised that this response also adjudicates the following additional Appeal Numbers: DOJ-AP-2019-005226 & DOJ-AP-2019-005357.

² Please be advised that this response also relates to the following additional Request Numbers: 1438243 & 1438298.

³ While the FBI did not locate any investigation files, please be advised that the FBI did locate two civil litigation files during its search for records concerning the Freedom of the Press Foundation.

You should provide this information to the FBI directly. While the FBI will make every effort to identify responsive cross references using any additional information that you provide, please note that the FBI may not be able to successfully identify such records even with additional information. You may appeal any future adverse determination made by the FBI.

Please be advised that this Office's decision was made only after a full review of these matters. Your appeals were assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeals, your underlying requests, and the actions of the FBI in response to your requests.

If you are dissatisfied with my actions on your appeals, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

7/16/2019

X 

Matthew Hurd, Associate Chief, for
Sean O'Neill, Chief, Administrative Appeals ...
Signed by: MATTHEW HURD